



Docket No.: 1173-1034PUS2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mario H. SKIADOPOULOS et al.

Application No.: 10/667,141

Confirmation No.: 7197

Filed: September 18, 2003

Art Unit: 1648

For: RECOVERY OF RECOMBINANT HUMAN
PARAINFLUENZA VIRUS TYPE 2 (HPIV2)
FROM CDNA AND USE OF RECOMBINANT
HPIV2 IN IMMUNOGENIC COMPOSITIONS
AND AS VECTORS TO ELICIT IMMUNE
RESPONSES AGAINST PIV AND OTHER
HUMAN PATHOGENS

Examiner: T. M. Brown

**PETITION UNDER 37 CFR 1.183 TO WAIVE RULE TO PERMIT FILING OF
REFERENCES ON COMPACT DISK**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a petition under 37 C.F.R. § 1.183 to request waiver of rule 1.98(a)(2) requiring that a "copy" of each item listed on form SB08 in support of an Information Disclosure Statement be filed with the IDS. Applicants understand 37 CFR § 1.98(a)(2) to require filing of a paper copy of any listed reference. Applicants hereby petition under 37 CFR § 1.183 for waiver of the requirement that a paper copy of each reference be filed, and request that a Compact Disk containing .pdf copies of each listed reference be accepted in lieu of the required paper copies.

03/22/2007 * RECD * 00000017 10507141

02 FC:1462

400.00 OP

The following items are attached in support of this petition:

(A) an Information Disclosure Statement (5 pages);



Under the Paperwork Reduction Project of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/667,141-Conf. #7197
	Filing Date	September 18, 2003
	First Named Inventor	Mario H. SKIADOPOULOS
	Art Unit	1648
	Examiner Name	T. M. Brown
	Attorney Docket Number	1173-1034PUS2

Enclosed is a petition filed under 37 CFR 1.183 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 400.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants.
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Mark J. Nuell
Signature
Mark J. Nuell
Typed or printed name

March 21, 2007
Date
36,623
Registration No., if applicable

- (B) PTO-SB08 Forms (10 pages);
- (C) a Compact Disk including a .pdf file for each reference; and
- (D) a printout of the directory of the Compact Disk, listing the title of each file.

The form SB08 submitted with the present Information Disclosure Statement includes a large number of documents, several of which are PCT publications of great length. Applicants submit that, due to the number of references submitted and the volume of paper that would be required to comply with 37 CFR 1.98(a)(2) by filing of paper copies of the references, it is in the interest of the USPTO and Applicants to accept the references on Compact Disk. In particular, acceptance of the references on Compact Disk avoids the waste of USPTO resources for scanning of the references for inclusion in the Image File Wrapper of the present application, and avoids the waste of Applicants' resources for printing of paper copies of the references in the first instance.

In an attempt to ease the Examiner's burden of review, Applicants have printed the title (or much of it) of each reference on the form SB08 and have keyed the titles on the .pdf files to the reference list through the "cite no.".

Applicants respectfully request acceptance of the Information Disclosure Statement providing references submitted on Compact Disk in lieu of paper copies.

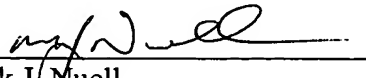
The required petition fee of \$400.00 is attached hereto along with a petition fee transmittal.

Should there be any questions that might be addressed by a telephone discussion to obtain a favorable decision on this petition, the Examiner is respectfully requested to contact Mark J. Nuell at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 21, 2007

Respectfully submitted,

By 
Mark J. Muell

Registration No.: 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

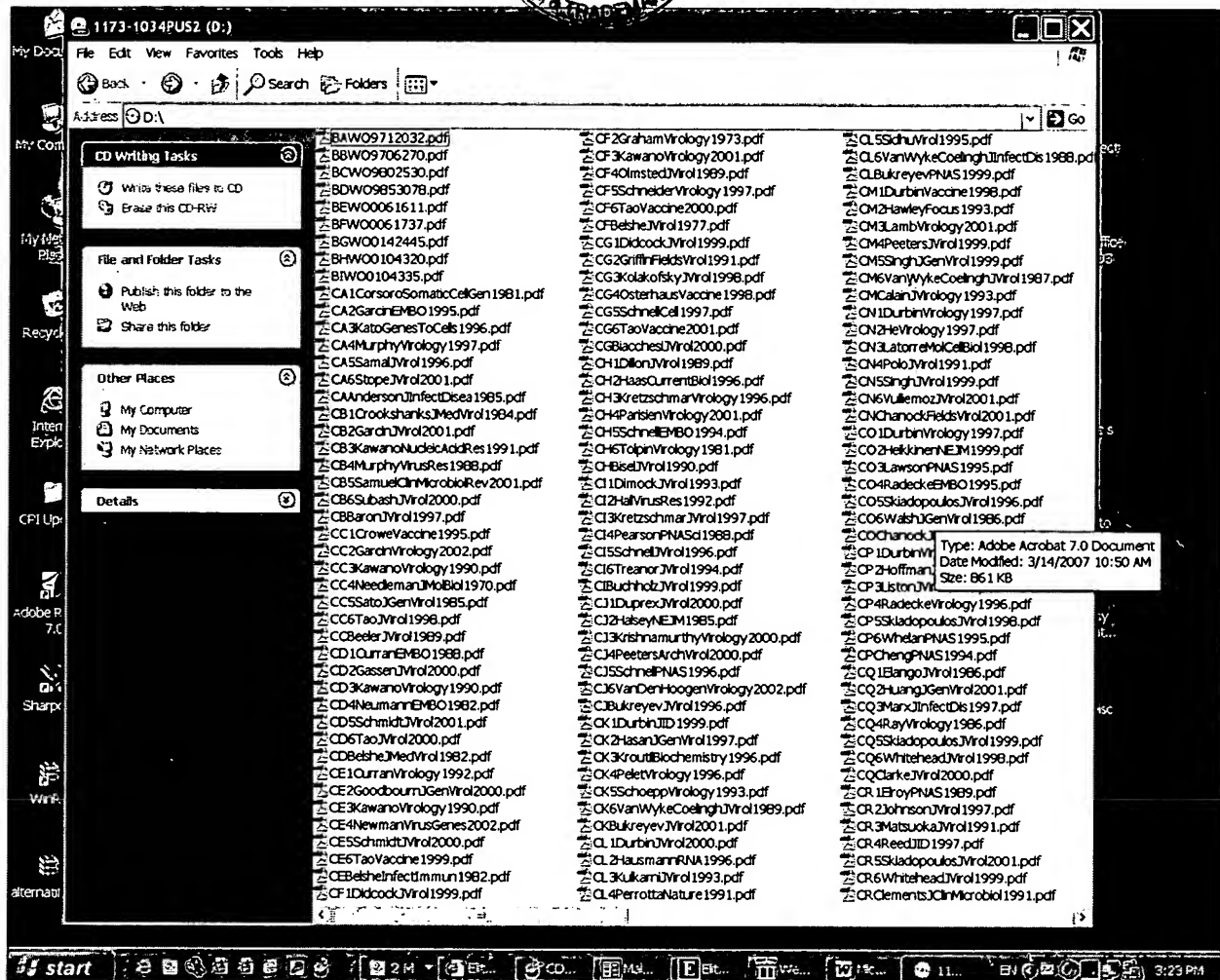
P.O. Box 747

Falls Church, Virginia 22040-0747

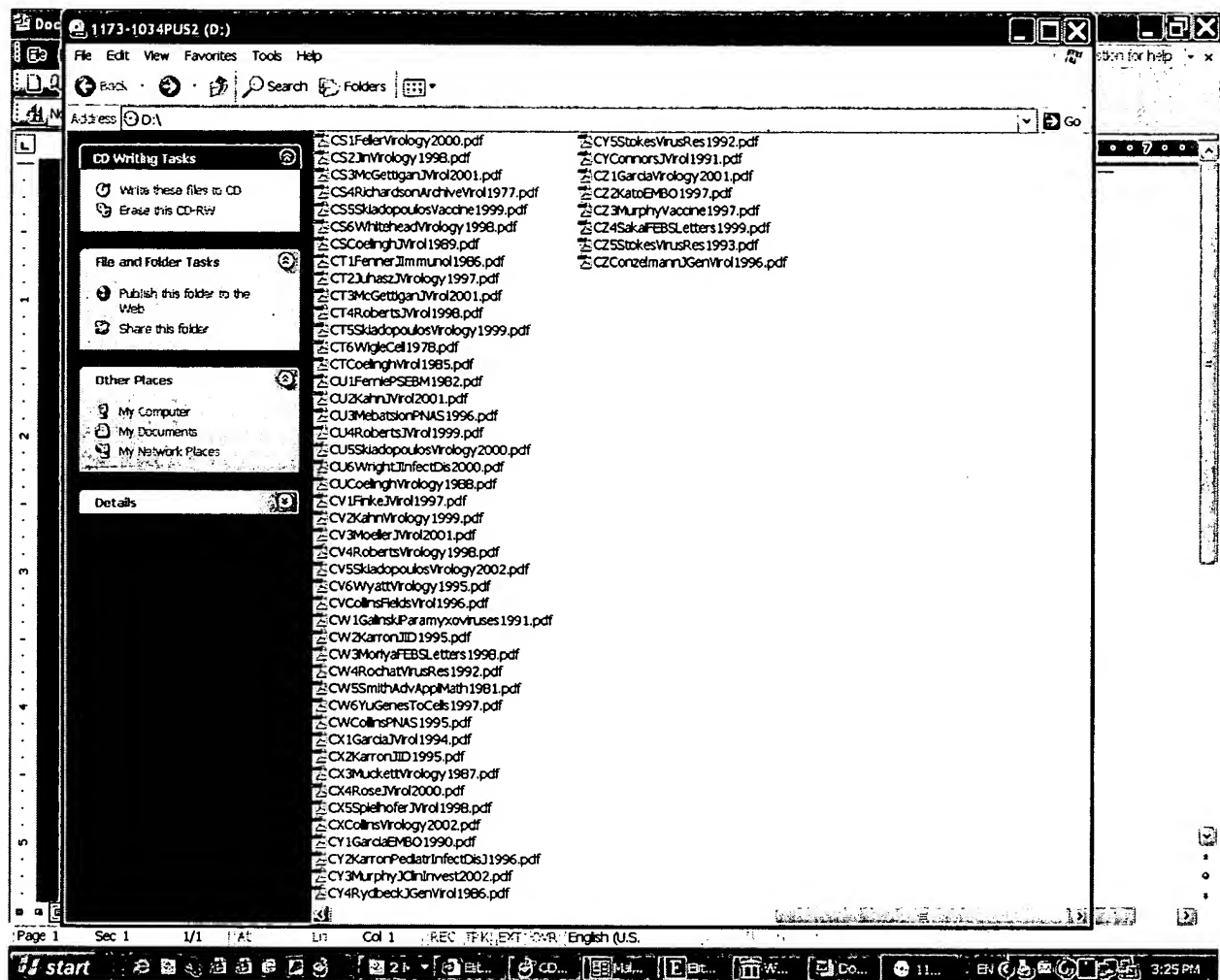
(703) 205-8000

Attorney for Applicant

Attachment(s) as noted above



Best Available Copy



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